

So the resolution (S. Res. 113) was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 113

Whereas, in the case of *Committee for Judicial Review v. The United States Senate Committee on the Judiciary, Senator Orrin Hatch*, No. 1:95CV0770, pending in the United States District Court for the District of Columbia, the plaintiff has filed a complaint, seeking, among other relief, to restrain the Committee on the Judiciary from conducting confirmation hearings on the nomination of Peter C. Economus, who has been nominated to be a United States District Judge for the Northern District of Ohio;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1) (1994), the Senate may direct its counsel to defend committees and Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent the Committee on the Judiciary, its chairman, Senator Orrin G. Hatch, and the other members of the Committee on the Judiciary in the case of *Committee for Judicial Review v. the United States Senate Committee on the Judiciary, Senator Orrin Hatch*.

#### RELIEF OF INSLAW, INC., AND WILLIAM A. HAMILTON AND NANCY BURKE HAMILTON

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 114, submitted earlier today by Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 114) to refer S. 740 entitled "A bill for the relief of Inslaw, Inc., and William A. Hamilton and Nancy Burke Hamilton" to the chief judge of the United States Court of Federal Claims for a report thereon.

Mr. GORTON. I ask unanimous consent that the resolution be considered and agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 114) was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 114

*Resolved*, That the bill S.—entitled "A bill for the relief of Inslaw, Inc., and William A. Hamilton and Nancy Burke Hamilton" now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims. The chief judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the

demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due to the claimants from the United States.

#### ORDER FOR STAR PRINT—S. 735

Mr. GORTON. Mr. President, I ask unanimous consent that S. 735 be star printed to reflect the following changes which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LOST CREEK LAND EXCHANGE ACT OF 1995

Mr. GORTON. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 103.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 103) entitled the "Lost Creek Land Exchange Act of 1995."

Mr. GORTON. I ask unanimous consent that the Senate proceed to its immediate consideration; that the bill be deemed read a third time and passed; the motion to reconsider be laid upon the table; and, that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 103) was deemed read a third time, and passed; as follows:

#### S. 103

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This title may be cited as the "Lost Creek Land Exchange Act of 1995".

#### SEC. 2. LAND EXCHANGE.

(a) GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture (hereinafter referred to in this title as the "Secretary") is authorized and directed to acquire by exchange certain lands and interests in lands owned by the Brand S Corporation, its successors and assigns, (hereinafter referred to in this title as the "Corporation"), located in the Lost Creek area of the Deerlodge National Forest and within the Gallatin National Forest.

(b) OFFER AND ACCEPTANCE OF LAND.—

(1) NON-FEDERAL LAND.—If the Corporation offers to convey to the United States fee title that is acceptable to the United States to approximately 18,300 acres of land owned by the Corporation and available for exchange, as depicted on the maps entitled "Brand S/Forest Service Land Exchange Proposal", numbered 1 through 3, dated March 1994, and described in the "Land Exchange Specifications" document pursuant to paragraph (b)(3), the Secretary shall accept a warranty deed to such lands.

(2) FEDERAL LAND.—Upon acceptance by the Secretary of title to the Corporation's lands pursuant to paragraph (b)(1) and upon the effective date of the document referred to in paragraph (b)(3), and subject to valid existing rights, the Secretary of the Interior shall convey, by patent, the fee title to approximately 10,800 acres on the Deerlodge and Gallatin National Forests, and by timber deed, the right to harvest approximately 3.5 million board feet of timber on certain

Deerlodge National Forest lands, as depicted on the maps referenced in paragraph (b)(1) and further defined by the document referenced in paragraph (b)(3): *Provided*, That, except for the east ½ of sec. 10, T3S, R8E, the Secretary shall not convey to the Corporation the lands on the Gallatin National Forest identified as the "Wineglass Tract" on the map entitled "Wineglass Tract", dated September 1994, unless the Secretary finds that measures are in place to protect the scenic, wildlife, and open space values of the Wineglass Tract. Such finding shall be contained in the document referenced in paragraph (b)(3).

(3) AGREEMENT.—A document entitled "Brand S/Forest Service Land Exchange Specifications", shall be jointly developed and agreed to by the Corporation and the Secretary. Such document shall define the non-Federal and Federal lands to be exchanged, and shall include legal descriptions of such lands and interests therein, along with any other agreements. Such document shall be transmitted, upon completion, to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives and shall not take effect until sixty days after transmittal to both Committees.

(4) CONFLICT.—In case of conflict between the maps referenced in paragraph (b)(1) and the document referenced in paragraph (b)(3), the maps shall govern.

(c) TITLE.—

(1) REVIEW OF TITLE.—Within sixty days of receipt of title documents from the Corporation, the Secretary shall review the title for the non-Federal lands described in paragraph (b) and determine whether—

(A) applicable title standards for Federal land acquisition have been satisfied or the quality of title is otherwise acceptable to the Secretary;

(B) all draft conveyances and closing documents have been received and approved;

(C) a current title commitment verifying compliance with applicable title standards has been issued to the Secretary; and

(D) the Corporation has complied with the conditions imposed by this title.

(2) CONVEYANCE OF TITLE.—In the event the title does not meet Federal standards or is otherwise unacceptable to the Secretary, the Secretary shall advise the Corporation regarding corrective actions necessary to make an affirmative determination. The Secretary, acting through the Secretary of the Interior, shall effect the conveyance of lands described in paragraph (b)(2) not later than ninety days after the Secretary has made an affirmative determination.

(d) RESOLUTION OF PUBLIC ACCESS.—The Secretary is directed, in accordance with existing law, to improve legal public access to Gallatin National Forest System lands between West Pine Creek and Big Creek.

#### SEC. 3. GENERAL PROVISIONS.

(a) MAPS AND DOCUMENTS.—The maps referred to in section 202(b)(1) shall be subject to such minor corrections as may be agreed upon by the Secretary and the Corporation. The maps and documents described in section 202(b)(1) and (3) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(b) NATIONAL FOREST SYSTEM LANDS.—

(1) IN GENERAL.—All lands conveyed to the United States under this title shall be added to and administered as part of the Deerlodge or Gallatin National Forests, as appropriate, and shall be administered by the Secretary in accordance with the laws and regulations pertaining to the National Forest System.

(2) WILDERNESS STUDY AREA ACQUISITIONS.—Until Congress determines otherwise, lands



acquired within the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area pursuant to this title shall be managed by the Secretary of Agriculture and the Secretary of the Interior, as appropriate, so as to maintain the presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

(c) VALUATION.—The values of the lands and interests in lands to be exchanged under this title and described in section 202(b) are deemed to be of approximately equal value.

(d) LIABILITY FOR HAZARDOUS SUBSTANCES.—

(1) The Secretary shall not acquire any lands under this title if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(2) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this title after their transfer to the ownership of another party, but nothing in this title shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party.

#### ORDERS FOR TOMORROW, THURSDAY, MAY 4, 1995

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m., Thursday, May 4, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and that there then be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak for up to 5 minutes each except for the following: Senator THOMAS, 30 minutes; Senator BRADLEY, 15 minutes; Senator DASCHLE or his designee, 30 minutes; Senator LAUTENBERG, 10 minutes; Senator FAIRCLOTH, 5 minutes; and Senator KERREY, 15 minutes.

I further ask unanimous consent that at the hour of 11:30, the Senate resume consideration of H.R. 956, the product liability bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, so that you know that there is another side here, we have no objections.

#### PROGRAM

Mr. GORTON. For the information of all Senators, there will be a series of stacked votes beginning at 12:15 tomorrow on or in relation to several amendments that were offered during today's session. Also, there will be at least one cloture vote on the Gorton substitute occurring at the end of the stacked sequence. In addition, under rule XXII, second-degree amendments must be filed at the desk 1 hour prior to the cloture vote.

#### ORDER FOR RECESS UNTIL TOMORROW

Mr. GORTON. If there is no further business to come before the Senate, following the remarks of the distinguished Democratic leader, Senator DASCHLE, I ask unanimous consent the Senate stand in recess under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair has an announcement.

The Chair, on behalf of the Vice President, pursuant to 22 U.S. Code 276d-276g, as amended, appoints the Senator from Washington [Mrs. MURRAY] as Vice Chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 104th Congress.

Mr. FORD. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I will use my leader time as in morning business. There are a couple of issues I would like to address. As I understand it, once my remarks have been made, the Senate will then go into recess. So I will summarize my remarks at this point.

#### THE FEDERAL BUDGET FOR FISCAL 1996

Mr. DASCHLE. Mr. President, today is May 3, more than a month after the law requires a budget resolution to be reported to the Senate for debate. It is 18 days past April 15, when the law requires a budget resolution to have been completed and passed.

Yet, the Senate Budget Committee has not even begun to mark up a resolution. Instead, a scheduled markup has been delayed until May 8, so nothing will be done until then.

Yet, the current majority has inherited a budget from the last Congress in which the deficit is declining. Its task should be easier than the task of the

last Congress, which made the tough decisions that led to deficit decline.

Meanwhile, although our task in the last Congress was a harder one, and we achieved it with no Republican help, we did so within the deadlines set by law.

Republicans campaigned on the claim that they could cut taxes, protect defense spending, and balance the budget, all without touching Social Security benefits. That was the message heard around the country all year last year. That was the message to which Americans responded: Cut taxes, protect defense spending, and balance the budget, without affecting Social Security.

Now the time is already past for the first downpayment on that promise—the budget resolution required by law.

All we are hearing is the stirring sound of people changing the subject. Republicans have discovered that the Medicare Program faces challenges in the years ahead. Democrats told them and the Nation that 2 years ago, when we shored up the Medicare Program and cut the deficit, all without Republican votes.

Throughout the last 2 years, Republicans have rejected each and every proposal offered to help shore up the Medicare Program, with rhetoric about reduced choices and higher taxes.

Now it is time to deliver. If Democratic solutions to the long-term problems of an aging population are no good, let us hear Republican solutions.

I fear we will not, because there are not any. The Republican discovery of a well-known fact is nothing but an effort to distract Americans from their real intentions. House Republicans are considering reductions in Medicare growth on the order of \$300 billion. Senate Republicans have said they will need to reduce normal Medicare growth by \$200 to \$250 billion.

They all say they are not cutting, they are just reducing growth. But if a program grows because more people age and become eligible for it, it is pretty obvious that the same number of dollars will stretch a lot thinner.

Medicare program costs are increasing because all health insurance costs are increasing. In fact, on a per capita basis, Medicare and Medicaid costs are increasing at the same rate as privately insured costs. If Medicare growth rates are simply slashed—without reform—to a rate of growth half as high, we know who is going to pay.

The seniors and working people and employers of this country will pay, that is who. Hospitals and doctors will just shift costs to private insurers. The result will be a massive hidden tax on jobs, a massive hidden tax hike on seniors and workers through hikes in copayments and deductibles.

Cost sharing of the kind Republicans are now contemplating are not just likely to shift costs to the private sector. They are certain to shift costs to the private sector.